

**REMARKS**

Among the amendments to base claim 7 are incorporation therein of the subject matter of claim 5 (now cancelled). Claim 5 has been rejected based upon only JP 61286216 A (hereinafter "JP '216") in view of WO 93/19826 ("WO '826"). Therefore, that is the only prior art-based rejection which has not been rendered moot by the present amendment.

It is respectfully submitted that the Examiner has combined the references in contradiction to the teachings of the references. JP '216 produces large crystals from fine seed crystals of less than 30 mesh. WO '826 emphasizes that "for effective operation," some, preferably a substantial proportion, of the feed crystals be larger than 14 mesh (1.2 mm). In view of this disparity, and considering that process parameters are interrelated, one of ordinary skill in the art would not apply to the process of JP '216 the teaching of WO '826 that the temperature of the feed suspension be preferably at least 10°C lower than the operating temperature of the crystallizer. A prima facie case of obviousness cannot be made out by piecing together incompatible prior art.


The rejection of claim 2 under 35 U.S.C. 112 is moot because that claim has been cancelled. In claim 10, "the solids" has been changed to "solids," thus, it is believed, overcoming the rejection of claim 10 under 35 U.S.C. 112.

It is submitted that the application is now in condition for allowance.

Applicant respectfully requests a three month extension of time for responding to the Office Action. Please charge the fee of \$475 for the extension of time to Deposit Account No. 10-1250. Also charge any fee deficiency or credit any overpayment to the same deposit account.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By   
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340